

## Appendix A – CERTIFICATIONS

### A. SBIR Funding Agreement Certification (at time of award)

All small businesses that are selected for award of an SBIR Funding Agreement must complete this certification at the time of award and any other time set forth in the Funding Agreement that is prior to performance of work under this award. This includes checking all of the boxes and having an authorized officer of the Awardee sign and date the certification each time it is requested.

Please read carefully the following certification statements. The Federal Government relies on the information to determine whether the business is eligible for a Small Business Innovation Research (SBIR) Program award. A similar certification will be used to ensure continued compliance with specific program requirements during the life of the Funding Agreement. The definitions for the terms used in this certification are set forth in the Small Business Act, SBA regulations (13 C.F.R. Part 121), the SBIR Policy Directive and also any statutory and regulatory provisions referenced in those authorities.

If the Funding Agreement officer believes that the business may not meet certain eligibility requirements at the time of award, they are required to file a size protest with the U.S. Small Business Administration (SBA), which will determine eligibility. At that time, SBA will request further clarification and supporting documentation in order to assist in the verification of any of the information provided as part of a protest. If the Funding Agreement officer believes, after award, that the business is not meeting certain Funding Agreement requirements, the agency may request further clarification and supporting documentation in order to assist in the verification of any of the information provided.

Even if correct information has been included in other materials submitted to the Federal Government, any action taken with respect to this certification does not affect the Government's right to pursue criminal, civil or administrative remedies for incorrect or incomplete information given in the certification. Each person signing this certification may be prosecuted if they have provided false information.

The undersigned has reviewed, verified and certifies that (all boxes must be checked unless otherwise directed):

(1) ☐ The Awardee business concern meets the ownership and control requirements set forth in 13 C.F.R. § 121.702.

(2) If a corporation, all corporate documents (namely: articles of incorporation and any amendments, articles of conversion, by-laws and amendments, shareholder meeting minutes showing director elections, shareholder meeting minutes showing officer elections, organizational meeting minutes, all issued stock certificates, stock ledger, buy-sell agreements, stock transfer agreements, voting agreements, and documents relating to stock options, including the right to convert non-voting stock or debentures into voting stock) must evidence that the corporation meets the ownership and control requirements set forth in 13 C.F.R. § 121.702. (Check one box).

☐ Yes      ☐ N/A Explain why N/A:

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(3) If a partnership, the partnership agreement evidences that it meets the ownership and control requirements set forth in 13 C.F.R. § 121.702. (Check one box).

☐ Yes      ☐ N/A Explain why N/A:

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(4) If a limited liability company, the articles of organization and any amendments, and operating agreement and amendments, evidence that it meets the ownership and control requirements set forth in 13 C.F.R. § 121.702. (Check one box).

☐ Yes      ☐ N/A Explain why N/A:

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(5) The birth certificates, naturalization papers, or passports show that any individuals it relies upon to meet the eligibility requirements are U.S. citizens or permanent resident aliens in the United States. (Check one box).

☐ Yes      ☐ N/A Explain why N/A:

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(6) ☐ The Awardee business concern has no more than 500 employees, including the employees of its Affiliates.

(7) ☐ SBA has not issued a size determination currently in effect finding that this business concern exceeds the 500 employee size standard.

(8) During the performance of the award, the Principal Investigator/Project Manager will spend more than one half of his/her time (based on a 40 hour workweek) as an employee of the Awardee or has requested and received a written deviation from this requirement from the Funding Agreement officer. (Check one box).

☐ Yes   ☐ Deviation approved in writing by Funding Agreement officer: %

(9) All, essentially Equivalent Work, or a portion of the work proposed under this project (check the applicable line):

- ☐ **Has not** been submitted for funding to this Agency or another Federal agency.
- ☐ **Has** been submitted for funding to this Agency or another Federal agency but has not been funded under any other grant, contract, subcontract or other transaction.
- ☐ A portion has been funded by another grant, contract, or subcontract as described in detail in the proposal and approved in writing by the Funding Agreement officer.

(10) During performance of award, the Awardee will perform the applicable percentage of work unless a deviation from this requirement is approved in writing by the Funding Agreement officer (check the applicable line and fill in if needed):

- ☐ SBIR Phase I: at least two-thirds (66 2/3%) of the research.
- ☐ SBIR Phase II: at least half (50%) of the research.
- ☐ Deviation approved in writing by the Funding Agreement officer: \_\_\_\_\_%

(11) During performance of award, the research/research and development will be performed in the United States unless a deviation is approved in writing by the Funding Agreement officer (Check one box).

- ☐ Yes ☐ Waiver has been granted

(12) ☐ During performance of award, the research/research and development will be performed at the Awardee's facilities by the Awardee's employees, except as otherwise indicated in the SBIR application and approved in the Funding Agreement.

(13) The SBIR Awardee has registered itself on SBA's database as majority-owned by venture capital operating companies, hedge funds or private equity firms (check one box).

- ☐ Yes ☐ No ☐ N/A Explain why N/A:

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(14) The SBIR Awardee is a Covered Small Business Concern (a small business concern that: (a) was not majority-owned by multiple venture capital operating companies (VCOCs), hedge funds, or private equity firms on the date on which it submitted an application in response to an SBIR NOFO; and (b) on the date of the SBIR award, which is made more than 9 months after the closing date of the NOFO, is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms). (Check one box).

- ☐ Yes ☐ No

15) ☐ I will notify this Federal agency immediately if all or a portion of the work authorized and funded under this award is subsequently funded by another Federal Agency.

16) ☐ I understand that the information submitted may be given to Federal, State and local agencies for determining violations of law and other purposes.

17) ☐ I am an officer of the business concern authorized to represent it and sign this certification on its behalf. By signing this certification, I am representing on my own behalf, and on behalf of the business concern that the information provided in this certification, the application, and all other information submitted in connection with this application, is true and correct as of the date of submission. I acknowledge that any intentional or negligent misrepresentation of the information contained in this certification may result in criminal, civil or administrative sanctions, including but not limited to: (1) fines, restitution and/or imprisonment under 18 U.S.C. § 1001; (2) treble damages and civil penalties under the False Claims Act (31 U.S.C. § 3729 *et seq.*); (3) double damages and civil penalties under the Program Fraud Civil Remedies Act (31 U.S.C. § 3801 *et seq.*); (4) civil recovery of award funds, (5) suspension and/or debarment from all Federal procurement and nonprocurement transactions (FAR Subpart 9.4 or 2 C.F.R. Part 180); and (6) other administrative penalties including termination of SBIR/STTR awards.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Print Name (First, Middle, Last)**

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**Title**

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**Business Name**

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